

THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

TROY I. THOMAS,
Plaintiff,

vs.

CASE NO.: 3:09cv424/MCR/MD

UNKNOWN DEFENDANTS,
Defendants.

ORDER

This cause is before the court upon plaintiff's filing a civil rights complaint under 42 U.S.C. § 1983 in the Middle District of Florida. Thereafter, the action was transferred to the Northern District of Florida for all further proceedings.

Plaintiff's complaint is not on the court form. Local Rule 5.1(J) for the Northern District of Florida states that the court will not accept for consideration a complaint under 42 U.S.C. § 1983 unless the appropriate complaint form is completed. Thus, plaintiff must file his complaint on the form for use in Section 1983 cases, even if he wants to attach additional pages explaining the facts that underlie the complaint. However, plaintiff should not file a memorandum of law or otherwise provide citations to statutes and cases, and he should not file exhibits as evidentiary support for his complaint. The court will notify plaintiff when memoranda and exhibits are necessary, such as prior to trial or in conjunction with a motion for summary judgment.

To amend his complaint, plaintiff should completely fill out a new civil rights complaint form, marking it "**Amended Complaint.**" Plaintiff is advised that the amended complaint must contain **all** of his allegations, and it should not in any way refer to the original complaint. Once an amended complaint is filed, all earlier complaints are disregarded. Local Rule 15.1, Northern District of Florida.

Additionally, plaintiff neither paid the \$350.00 filing fee nor applied for leave to proceed *in forma pauperis*. Plaintiff's case cannot proceed until he either pays the filing fee or files a complete application to proceed *in forma pauperis*. A complete application includes a motion with supporting affidavit, a prisoner consent form and a financial certificate with attachments (a printout of the transactions in plaintiff's inmate trust account for the six-month period immediately preceding the filing of his complaint).

Accordingly, it is ORDERED:

1. The clerk is directed to send plaintiff a § 1983 complaint form and a form application to proceed *in forma pauperis*. This case number shall be written on the forms.
2. Within **thirty (30) days** of the date of this order, plaintiff shall file an amended complaint which shall be typed or clearly written, and submitted on the court form.
3. Within the same time period, plaintiff shall either submit payment in the amount of \$350.00, or file a complete application to proceed *in forma pauperis*.
4. Plaintiff's failure to comply with this order as instructed will result in a recommendation that this case be dismissed for failure to prosecute and failure to comply with an order of the court.

DONE AND ORDERED this 5th day of October, 2009.

/s/ *Miles Davis*

**MILES DAVIS
UNITED STATES MAGISTRATE JUDGE**